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13 Attorneys for Plaintiff
14 THE LINCOLN NATIONAL LIFE INSURANCE COMPANY

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

17 THE LINCOLN NATIONAL LIFE INSURANCE
18 COMPANY,

19 Plaintiff,

20 v.

21 H. THOMAS MORAN, II, Court-Appointed
Receiver of LYDIA CAPITAL, LLC,

22 Defendant.

Case No. 08-CV-00023-IEG-NLS

JOINT MOTION OF PLAINTIFF THE
LINCOLN NATIONAL LIFE
INSURANCE COMPANY AND
DEFENDANT H. THOMAS MORAN,
II FOR FURTHER EXTENSION OF
TIME TO ANSWER OR OTHERWISE
PLEAD

1 Plaintiff The Lincoln National Life Insurance Company ("LNLIC") and Defendant H.
2 Thomas Moran, II ("Moran"), in accordance with Local Rule 12.1, jointly move the Court to enter an
3 Order further extending Moran's deadline for filing his Answer or other responsive pleading to
4 LNLIC's Complaint, for four additional days, **to and including April 4, 2008**.

5 In support of this joint motion, the parties state as follows:

6
7 1. LNLIC's complaint was filed January 3, 2008 and subsequently served on Moran.

8 2. The original due date for Moran's responsive pleading to LNLIC's complaint was
9 March 18, 2008.

10 3. The parties previously submitted a joint motion, which was granted by this Court on
11 March 23, 2008, extending the deadline for Moran to respond to LNLIC's complaint by 13 days, to
12 March 31, 2008.

13 4. This requested extension will further extend the deadline for Moran to file a
14 responsive pleading to LNLIC's complaint by an additional four days, for a total extension of 17
15 days from the original responsive pleading due date.

16
17 5. LNLIC consents to this further extension of time for Moran to file a responsive
18 pleading to LNLIC's complaint.

19 5. The requested further extension of time will not impact other scheduled dates in this
20 case.

21
22 6. Moran seeks this further extension because there are two separate lawsuits involving
23 these same parties in different federal districts [Eastern District of Wisconsin and Eastern District of
24 New York], both in which Moran's responsive pleading due date is April 4, 2008. Therefore, this
25 further extension will create uniformity between Moran's responsive pleadings in all three cases.

26 7. Further, Moran seeks this further extension to allow sufficient opportunity to fully
27 investigate the extensive factual and legal allegations asserted in LNLIC's Complaint and to prepare
28 his responsive pleading to LNLIC's Complaint.

1 WHEREFORE, for good cause shown, Plaintiff The Lincoln National Life Insurance
2 Company and Defendant H. Thomas Moran, II, request the Court to enter an Order further extending
3 Moran's time to file a responsive pleading to LNLIC's complaint to April 4, 2008.

4 Dated: March 31, 2008

**SANDLER, LASRY, LAUBE, BYER
& VALDEZ LLP**

7 By: s/Richard M. Valdez
8 Richard M. Valdez
9 Attorneys for Defendant
H. Thomas Moran, II, Court-Appointed
Receiver of Lydia Capital, LLC

10 Dated: March 31, 2008

DRINKER BIDDLE & REATH LLP

12 By: s/Jason P. Gosselin
13 Jason P. Gosselin
14 Attorneys for Plaintiff
The Lincoln National Life Insurance
Company

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA		COURT USE ONLY
TITLE OF CASE (ABBREVIATED) THE LINCOLN NATIONAL LIFE INSURANCE COMPANY v. H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): Richard M. Valdez, Bar No. 156957 SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP 402 West Broadway, Suite 1700 San Diego, CA 92101-3542		
TELEPHONE NO.: Tel: (619) 235-5655 Fax: (619) 235-5648		
ATTORNEY FOR (NAME): Defendant		
ATTORNEYS FOR: H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC	HEARING DATE - TIME	CASE NUMBER: 08-CV-00023-IEG-NLS

PROOF OF SERVICE

I am a resident of the state of California over the age of eighteen years, and not a party to the within action. My business address is SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP, 402 West Broadway, Suite 1700, San Diego, CA 92101-3542. On March 31, 2008, I served the within documents:

1. JOINT MOTION OF PLAINTIFF THE LINCOLN NATIONAL LIFE INSURANCE COMPANY AND DEFENDANT H. THOMAS MORAN, II FOR FURTHER EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.

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*Attorneys for Plaintiff
The Lincoln National Life Insurance Company*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on March 31, 2008, at San Diego, California.

- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose directions the service was made.



Marcella V. Brodersen